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# Is DNA Evidence Relevant: The Sequel

By

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I *was wrong* but now know *why*. In the original article on this topic<sup>2</sup>, I noted that since DNA mutates over time, a DNA sample taken from the suspect in the year 2020 when matched from DNA taken at the crime scene in 2010 might mistakenly suggest that the suspect was innocent because his DNA had mutated over the previous decade.<sup>3</sup>

However, as some of my colleagues who so generously replied to my requests for help pointed out, given the very short segments of DNA used for testing, the odds that a mutations would strike one of these would be quite minuscule. In any event, as one of my colleagues suggested<sup>4</sup>, this possibility should go to the weight of the evidence, not its admissibility.

## ***Digression on Identical Twins***

A couple of respondents doubted my claim that identical twins do not have identical DNA, overlooking the scientific sources cited in the footnote that supported this claim.

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<sup>2</sup> Available at <https://papers.ssrn.com/abstract=3535974>

<sup>3</sup> This, as others noted, might cast doubt on the hundreds of defendants exonerated for the crimes that they had committed through the use of DNA evidence.

<sup>4</sup> Professor Daniel Capra, of the Fordham School of Law.